

REMARKS

By this amendment, Applicants have amended claims 1-4, and 11 and have added new claims 12-15. Claims 5 and 7 have been canceled without prejudice. Claims 1-4, 6 and 8-15 are thus now presently under examination in the present application. Applicants submit that the present amendments place this application in condition for immediate allowance for at least the reasons set forth below.

Specifically, by this amendment, Applicants have included newly added claims 12-15. These claims are directed towards particular embodiments of the presently-disclosed compositions. Support for these claims may be found, for example, at pages 16-18 of the specification of the present application. Further, by this amendment, claim 1 has been amended to include a water-insoluble carrier or carriers in addition to the components of the granular composition that were previously included in claim 1. Support for this addition to claim 1 can be found, for example, at page 17 of the specification of the present application. Similarly, the other amendments are well supported in Applicants specification and do not add any new matter to the application.

As an initial matter, in the Official Action of October 16, 2007, the Examiner objected to claims 6-11 as improper multiple dependent claims. However, this objection was in error because a preliminary amendment eliminating the multiple dependencies was previously submitted. Further, this error was indicated to the Examiner in a teleconference and the Examiner concurred that the objection was in error. As such, Applicants consider that the objection to claims 6-11, insofar as applied to the present claims, and any objection relating to multiple dependent claims, are moot.

35 U.S.C. §112 Rejections

In the Official Action, the Examiner rejected claims 3-11 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. For the reasons set forth below, Applicants respectfully traverse the Examiner's rejection and request that it be withdrawn.

With regard to the Examiner's rejection of claim 3, the Examiner has asserted that it is unclear whether the metal salt of the fatty acid in claim 3 is an alkaline metal or an alkali metal and, therefore, one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Contrary to the Examiner's assertion, however, the term "alkaline metal" has the same meaning as the term "alkali metal." See attached excerpt from Webster's New International Dictionary. Thus, the terms "alkaline metal" and "alkali metal" are commonly used interchangeably by those skilled in the art to refer to any member of the family of metals which includes lithium, sodium, potassium, rubidium, and cesium. The terms "alkali metal" or "alkaline metal" are thus distinct from and never indicate the term "alkaline earth metal" which includes elements such as barium, calcium, and magnesium. By this amendment, Applicants have amended claim 3 to refer to "alkali metal salts of the (C₆-C₂₈) fatty acid," and it is submitted that such a term is completely understood by one skilled in the art and is in compliance with Rule 112.

With regard to the Examiner's rejection of claim 4, the Examiner has asserted that it is unclear which metal salt, an alkaline or not an alkaline, the Applicants are referring to. Applicants have now amended claim 4 to refer to only an alkali metal salt. Moreover, claim 4, which depends from claim 2, has been amended by an amendment to claim 2. Specifically, the last four lines of claim 2 have been deleted, including the phrase "(excluding said alkaline metal salt)," and claim 2 now recites "a water-soluble alkali metal salt of a (C₆-C₂₈) fatty acid."

Finally, with regard to claim 5, the Examiner has asserted that it is unclear whether the metal salt is a single type of metal salt or a mixture of metal salts. Although Applicants contest the basis of this rejection, the rejection of claim 5 has been rendered moot by virtue of the present amendments which cancel claim 5.

In light of the foregoing, it is thus submitted that claims 3-11 of the present application are clear and definite and are totally in compliance with 35 U.S.C. §112. Accordingly, Applicants submit that the Examiner's rejection of claims 3-11 under 35 U.S.C. §112, second paragraph, is respectfully traversed and should be withdrawn.

35 U.S.C. §102(b) Rejections

In the Official Action, the Examiner also rejected claims 1-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,620,421 to Nishi, et al. In particular, the Examiner has asserted that, with respect to claim 1 of the present application, the cited Nishi reference discloses a water-dispersible granule for crop application, which has

a high disintegrability in water, and is comprised of a pesticidally active ingredient, a surfactant, and a metal salt fatty acid having 6 to 18 carbon atoms. For the reasons set forth below, Applicants respectfully traverse the Examiner's rejection and request that it be withdrawn.

From the abstract and the disclosure in column 1 of the cited Nishi reference, it is clear that the water-dispersible granule disclosed by the Nishi reference must be composed of a combination of five essential components which include: (1) a pesticidally active ingredient; (2) a copolymer of maleic anhydride and diisobutylene; (3) an ether sulfuric acid ester or an ether phosphoric acid ester; (4) a water-soluble carrier; and, (5) a water-swellable material. It is by the combination of these five essential components, that the water-dispersible granule composition of the Nishi reference may have a disintegrability and dispersibility in water.

Moreover, although the Nishi reference does not disclose or explain what effect or function is achieved by incorporating a copolymer of maleic anhydride and diisobutylene and either an ether sulfuric acid ester or an ether phosphoric acid ester in the water dispersible granule, it is evident that the incorporation of these two essential components is an absolute necessity. The instantly claimed water-dispersible granules of the present application, however, never contain a copolymer of maleic anhydride and diisobutylene. Accordingly, as explained further below, the granular composition in claim 1 of the present application is clearly not disclosed by the granule described in the Nishi reference.

Even further, the surfactant, referred to by the Examiner is merely an optional component which can be omitted from the granule described in the Nishi reference. The metal salt fatty acid having 6 to 18 carbon atoms is also merely an optional component and is just an example of "hydrophobic/water-repellant material" which may additionally be omitted from the granule of the Nishi reference. (See column 8, lines 7-27 of the Nishi reference.) Thus, the optional nature of these components even further differentiates the claimed granular composition of the present application from the granule of the cited Nishi reference.

In contrast to the granule of the Nishi reference, claim 1 of the present application, as amended, is directed towards a granular composition in the form of water dispersible granules that are made of a mixture which is comprised of a combination consisting essentially of the following components: (a) an agrochemically active ingredient; (b) a surfactant as specified in claim 1; (c) an anti-foaming agent consisting of a metal salt of a (C₆-C₂₈) fatty acid; and, (d) a water-insoluble carrier or carriers. Page 8, lines 7-26 of the specification of the present application, clearly discloses the essential nature of components (a) to (c), which are incorporated in the claimed water-dispersible granule of the present application and the claimed composition. Further, the essential component (d), namely the water-insoluble carrier or carriers, which is newly recited in amended claim 1 and is now incorporated as an additional feature of claim 1, is disclosed at page 17, line 15 to page 19, line 20 of the specification of the present application.

Further, examples 1 to 11 at pages 23-32 of the specification of the present application demonstrate the necessary incorporation of the water-insoluble carrier of carriers in the granule products described in these examples. Accordingly, it is evident that the claimed granular composition as recited in claim 1, as amended, is clearly distinguishable from the water-dispersible granule of the Nishi reference.

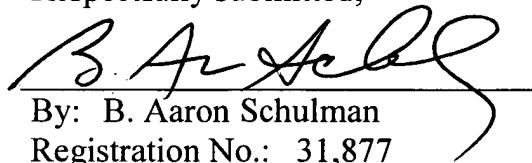
In addition to the distinctions set forth above, the combination of the essential components of the water-dispersible granules of the present application, as claimed in the currently amended claim 1, has several distinct advantages. In particular, the water-dispersible granules of the present application exhibit: (1) a high disintegrability and a high dispersibility in water; (2) a low foamability upon being diluted with water; (3) a high suspensibility (namely a “suspension stability”) of the aqueous dispersion as prepared by diluting the granules with ether; (4) an anti-caking property of the granules upon long-term storage; and, (5) a low foamability of the resulting aqueous dispersion as prepared from the granules upon stirring of the aqueous dispersion. (See page 22, lines 4-17 and also page 7, line 22 to page 8, line 26 of the specification of the present application.) It is thus clear that an evident distinction exists between the granule of the cited Nishi reference and the water-dispersible granule composition as defined in currently amended claim 1 of the present application.

Accordingly, the granule of the Nishi reference does not teach or make obvious the instantly claimed granular composition set forth in Applicants’ claim 1, and claim 1 as well as claims 2-4, 6, and 8-11, as they are dependent upon claim 1, are not anticipated or made obvious by the Nishi reference.

In light of the amendments and arguments provided herewith, Applicants submit that the present application overcomes all prior rejections and objections, and has been placed in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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